

DOCKET FILE COPY ORIGINAL  
Before the  
Federal Communications Commission  
Washington, D.C. 20554

ORIGINAL

In the Matter of )  
)  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Quannah, Archer City, Converse, Flatonia, )  
Georgetown, Ingram, Keller, Knox City, )  
Lakeway, Lago Vista, Llano, McQueeney, )  
Nolanville, San Antonio, Seymour, Waco and )  
Wellington, Texas, and Ardmore, Durant, )  
Elk City, Healdton, Lawton and Purcell, )  
Oklahoma.) )

MM Docket No. 00-148  
RM-9939  
RM-10198

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JUL 12 2004

Federal Communications Commission  
Office of Secretary

To: Office of the Secretary  
Attn: The Commission

**OPPOSITION TO "MOTION FOR EXTENSION OF TIME"**

Rawhide Radio, L.L.C., Capstar TX Limited Partnership, Clear Channel Broadcasting Licenses, Inc., and CCB Texas Licenses, L.P.<sup>1</sup> (collectively, the "Joint Parties"), by their counsel, hereby oppose the *Motion for Extension of Time* ("Motion") filed by M&M Broadcasters, Ltd. ("M&M") and J. & J. Fritz Media, Ltd. ("Fritz") in the above captioned proceeding. The Commission must deny M&M and Fritz's *Motion* because it was untimely filed, and because M&M and Fritz have made no showing of exceptional circumstances for its grant. In support hereof, the Joint Parties state as follows:

1. The Joint Parties filed an *Application for Review* with the Commission on June 21, 2004. M&M or Fritz filed their *Motion* on July 2, 2004. However, pursuant to Section 1.46(b) of the Commission's Rules any motion for extension of time "shall be filed at least 7

<sup>1</sup> CCB Texas Licenses, L.P., a subsidiary of Clear Channel Communications, Inc., is added as a party to this proceeding because it is the new licensee of KAJA, San Antonio and KHFI-FM, Georgetown, Texas.

days before the filing date.” Under Section 1.115(d) of the Commission’s Rules, any opposition to the *Application for Review* had to be filed by July 6, 2004, which means that M&M and Fritz’s *Motion* was due by June 29, 2004, not July 2, 2004.

2. M&M and Fritz attempt to argue that the press of other Commission business and the massive volume of the Joint Parties’ *Application for Review*, “prevents counsel for M&M and Fritz from turning immediate and sufficient attention to analyzing and responding to the *Application for Review*.” *Motion* at p. 1. While Section 1.46(b) of the Commission’s Rules permits the Commission to consider late-filed motions for extension of time *in emergency situations*, M&M and Fritz did not provide any evidence that the *Motion* was filed late because of an emergency situation. Further, even assuming that the *Motion* was timely filed, M&M and Fritz make no showing of exceptional circumstances for its grant. *See Julian, California*, 57 RR 2d 1325 (1985).

3. The volume of counsel’s workload and the size of the Joint Parties’ *Application for Review* are not emergency situations or exceptional circumstances. *See, e.g. Access to Telecommunications Equipment and Services by Persons With Disabilities*, 11 FCC Rcd 1814 (1996) (Commission grants extension because of government shutdown and weather emergency); *Puerto Rico Telephone Company Equal Access Conversion Schedule*, 4 FCC Rcd 7050 (1989) (Commission grants extension in light of the emergency situation in Puerto Rico created by Hurricane Hugo). Further, M&M and Fritz drastically overstate the volume of new material in this case. While the Joint Parties’ *Application for Review* contained 347 pages, 325 of these pages were a draft petition for rule making, which is the same as the Joint Parties’ alternative proposal that was originally filed as a counterproposal in this proceeding on October 10, 2000, with minor updates. The communities and allotments requested are exactly the same


as those requested in the Joint Parties' October 10, 2000 counterproposal, which M&M and Fritz already reviewed and responded to through the filing of *Joint Reply Comments* on August 20, 2001. Therefore, because M&M and Fritz's *Motion* was filed three days late and because they present no evidence of an emergency situation or exceptional circumstances, the *Motion* must be denied.

WHEREFORE, for the reasons stated, the Joint Parties respectfully request that the Commission deny M&M and Fritz's *Motion for Extension of Time*.

Respectfully submitted,

RAWHIDE RADIO, LLC

By:

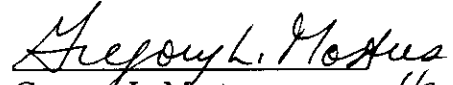
  
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July 12, 2004

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## CERTIFICATE OF SERVICE

I, Lisa M. Holland, a Secretary in the law firm of Vinson & Elkins, do hereby certify that on this 12th day of July, 2004, I caused copies of the foregoing "**Opposition**" to be mailed, first class postage prepaid, or hand delivered, addressed to the following persons:

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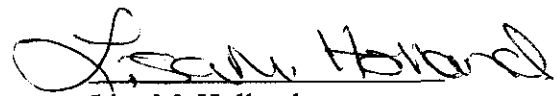
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\* Hand Delivered